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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Dong-ha Chol

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STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

MAH, CHUCK Y

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3677

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,999	Applicant(s) CHOL, DONG-HA	
	Examiner Chuck Mah	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-14,16-25 and 27-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-14,16-25 and 27-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3, 4, 9, 10, 27-31 and 38 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,684,456 (LEE) in view of Murata et al. (4,853,750).

Lee shows the invention as claimed (figure 3), including a cam 21, a pusher 23, brackets 27, a hinge body 26 and spring 25. Lee does not show a locking protrusion and a guide slot. Murata et al. teaches a hinge body 5 having a pusher 507 with protrusions 506 slidably engaging a guide slot 503 to guide a vertical movement of the pusher in the hinge body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

hinge of Lee with a protrusion and a slot as taught by Murata et al. to guide the pusher for a smooth, vertical sliding.

As to claims 9 and 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the pusher or the hinge cam with a lubricating resin, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

3. Claim 5 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,684,456 (LEE) in view of Tat-kee (4,730,364).

Lee '456 and Murata et al. '750 do not show the axis of the shaft being located toward the document glass, compared relatively to the pressure central line. '364 teaches a shaft offset the pressure centerline of the pressure device to provide a torque in a closing direction to keep the cover closed (see fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the axis of the shaft of Lee toward the document glass, compared to a pressure centerline acting on the cam as taught by Tat-Kee '364, to provide a torque in a closing direction to keep the cover in a closed position.

4. Claims 7, 8, 32 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No.

6,684,456 (LEE) in view of Murata et al. '750 as applied to claims above, and further in view of Worley et al. (6,012,714).

Lee '456 and Murata et al. '750 do not show the first protrusion to limit the insertion of the hinge body and the second protrusion to prevent the release of the hinge body. '714 teaches a hinge body (835), inserted in an opening of the scanner main body, having a first protrusion (the top flange pointing in the same direction as flange 837, see figures 8F-8H) and a second protrusion (bottom flange 837) to provide a steady, accurate aligning of the cover to the main body and to catch the complementary lip or edge of the receiving opening to prevent the hinge body from being removed from the opening (col. 9, lines 43-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made of modify the hinge body of Lee with an upper protrusion and a lower protrusion as taught by '714 to provide a steady, accurate aligning of the cover to the main body and to prevent the hinge body from being entirely removed from the receiving opening.

5. Claims 11-13, 16, 17, 21- 23, 25, 34-36 and 39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,684,456 (LEE) in view of Worley et al. '714.

Lee '456 does not show the first protrusion to limit the insertion of the hinge body and the second protrusion to prevent the release of the hinge body. '714 teaches a hinge body (835), inserted in an opening of the scanner main body, having a first protrusion (the top flange pointing in the same direction as flange

837, see figures 8F-8H) and a second protrusion (bottom flange 837) to provide a steady, accurate aligning of the cover to the main body and to catch the complementary lip or edge of the receiving opening to prevent the hinge body from being removed from the opening (col. 9, lines 43-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made of modify the hinge body of Lee with an upper protrusion and a lower protrusion as taught by '714 to provide a steady, accurate aligning of the cover to the main body and to prevent the hinge body from being entirely removed from the receiving opening.

As to claim 21, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the pusher or the hinge cam with a lubricating resin, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

6. Claim 14 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,684,456 (LEE) in view of Worley et al. '714 as applied to claims above, and further in view of Adams (5,551,125).

Lee and Worley et al. do not show the pivot portion being a protrusion and a receiving part. Adams '125 teaches a pivot of a hinge having a protrusion and a receiving part to enable a quick release of the hinged members. It would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the cam body with a protrusion to engage the receiving part of the hinge body as taught by '125 to enable a quick release of the hinged members.

7. Claims 18-20 and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,684,456 (LEE) in view of Worley et al. '714 as applied to claims above, and further in view Murata et al. '750.

Lee '456 and Worley et al. '714 do not show the guide and guide slot. Murata et al. teaches a hinge body 5 having a pusher 507 with protrusions 506 slidably engaging a guide slot 503 to guide a vertical movement of the pusher in the hinge body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hinge of Lee and Worley et al. with a protrusion and a slot as taught by Murata et al. to guide the pusher for a smooth, vertical sliding.

8. Claim 24 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,684,456 (LEE) in view of Worley et al. '714 as applied to claims above, and further in view of Tat-Kee '364.

Lee '456 and Worley et al. '714 do not show the axis of the shaft being located toward the document glass, compared relatively to the pressure central line. '364 teaches a shaft offset the pressure centerline of the pressure device to provide a torque in a closing direction to keep the cover closed (see fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to locate the axis of the shaft of Lee toward the document glass, compared to a pressure centerline acting on the cam as taught by Tat-Kee '364, to provide a torque in a closing direction to keep the cover in a closed position.

Response to Arguments

9. Applicant's arguments filed Nov. 5, 2007 have been fully considered. Lee '456 is disqualified as a 103 (a) reference. New double patenting rejections are now applicable.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuck Mah/
Primary Examiner, Art Unit 3677

CM